

COURT SERVICES AND ACTIVITIES

The emphasis of this year's Annual Report continues in the spirit of the Mission Statement . .



. to preserve judicial independence, protect individual rights and liberties, and to promote public trust and confidence.

The Board of Judges and the supporting staff of the Clerk's Office are continuously looking at ways to preserve the rights of all

individuals who are involved in a controversy, providing opportunities for resolution and renewal.

The ever-present reality of decreasing resources requires that the courts look at alternative ways to provide services. Through the adoption of budgetary policies and procedures that have saved over \$237,000, such things as video conferencing, evidence presentation equipment, document imaging, our Internet Website, and a more efficient accounting system help augment public trust and the scope of services throughout the District of Idaho. The judges and staff members throughout the district remain active in their commitment to various areas of judiciary coalitions and in the communities where they live.

Through continuous efforts towards creating new and innovative ways to conduct the court's business--not only professionally but also in the communities--the District of Idaho remains one of the most customer-service oriented courts in the federal court system.

New Bankruptcy Judge Appointed

An investiture ceremony was held at the federal courthouse on August 28th commemorating the appointment of Terry L. Myers to a fourteen- year term as the new U.S. Bankruptcy Judge for the District of Idaho, which officially commenced on August 1, 1998. The affair was attended by numerous judges, dignitaries, distinguished members of the Bar, and court staff, in addition to Judge Myers' family and friends. Featured speakers included the Honorable Merlin S. Young, retired U.S. Bankruptcy Judge, David R. Lombardi, Esq., and Larry E. Prince, Esq.

Judge Myers graduated from Idaho State University in 1976 and from the University of Idaho College of Law (*cum laude*) in 1980. He served as law clerk to Justice Joseph J. McFadden of the Idaho Supreme Court and U.S. Bankruptcy Judge Merlin S. Young prior to entering private practice in 1984 with what is now the law firm of Givens, Pursley & Huntley. Judge Myers and his wife Pamela have two children.

Judicial Participation on Committees

Ninth Circuit Court of Appeals Judge Thomas G. Nelson continues to serve as a member of the Ninth Circuit Judicial Council. Chief District Judge Edward J. Lodge, who represented the Conference of Chief District Judges on the Ninth Circuit Judicial Council, served a two-year

term which concluded October 1, 1998. During 1998, Chief Bankruptcy Judge Jim D. Pappas also completed his term of service on the Board of Governors of the National Conference of Bankruptcy Judges.

District of Idaho

District of Idaho Magistrate Judge Larry M. Boyle was appointed by United States Supreme Court Justice William H. Rehnquist to the United States Judicial Conference Committee on the Administration of the Magistrate Judges System, for a three-year term commencing October 1, 1998.

The Committee to which Judge Boyle has been appointed is comprised of twelve district and

magistrate judges from various parts of the United States. The Committee, chaired by Chief Justice Rehnquist, is charged with the responsibility of making recommendations to the United States Judicial Conference regarding long-range planning, the establishment or reduction of magistrate judge positions nationwide, and the improvement of the judicial system through suggested amendments to statutes and rules.

Judicial Assistance

During 1998, the District of Idaho received judicial assistance from Chief Judge Wm. Fremming Nielsen of the Eastern District of Washington. Resident Ninth Circuit Court of Appeals Judges Stephen S. Trott and Thomas G.

Nelson continue to provide invaluable support to the District of Idaho, to serve on various court committees, and to participate in numerous ceremonial functions.

Inn of Court Tribute to Judge Ray McNichols

The American Inns of Courts sponsored a tribute in Lewiston, Idaho on May 5, 1998, posthumously honoring former U.S. District Judge Ray McNichols who served on the federal bench from 1964 to 1985. This memorial effort was spearheaded by Idaho State Judge Ron Schilling. The keynote speech was given by long-time friend Carl Burke. Some personal memories were shared by attorneys Jerry Smith, Jim Givens, and former Clerk of Court for the District of Idaho, Jerry Clapp. A video tribute was compiled containing memorable vignettes from many distinguished individuals including former Idaho Governor and U.S. Secretary of the Interior Cecil Andrus; Idaho State Supreme Court Justices Gerald Schroeder and Byron Johnson; former U.S. Senator James

McClure; former Clerk of Court Jerry Clapp; and Chief Magistrate Judge Mikel H. Williams. Other notable members of the Idaho legal community featured in the video tribute (many of whom had served as law clerks) included Sheldon Vincenti, Rory Jones, Craig Meadows, Chris Bieter, son Mike McNichols, present District of Idaho Court Executive/Clerk of Court Cameron Burke, and long-time Courtroom Deputy Ron Haberman. The highlight of the ceremony was the Lewiston chapter of the American Inns of Court being officially renamed the *Ray McNichols American Inn of Court*. Special thanks to Glenda Tipton for her assistance in coordinating local efforts regarding creation of commemorative video.

Federal District Conference

The Annual Federal Court District Conference was held on July 15, 1998, at the new Grove Hotel in Boise. In addition to opening comments by the federal judges, featured presentations included topics such as *Appellate Advocacy* by Ninth Circuit Judges Stephen Trott and Thomas Nelson; *Writing Persuasively* by renown consultant Clyde Leland; a distinguished

panel discussion entitled, *Chicken Soup for the Motion Practitioner* included Circuit Judge Thomas G. Nelson, District Judge B. Lynn Winmill, Chief Magistrate Judge Mikel H. Williams, Walter Bithell, Candy Wagahoff Dale, and Clyde Leland, with J. Robert Alexander serving as moderator. *The Traits, Qualities and Characteristics of Highly Effective Lawyers* was presented by Magistrate

Judge Larry M. Boyle followed by concurrent sessions on Criminal Procedure *Prosecution & Defense-Always Adversaries?* featuring Assistant U.S. Attorneys Barry W. McHugh and Wendy J. Olson, Federal Defender Richard Rubin, and Defense Counsel R. Keith Roark. *Hot Bankruptcy Issues* were discussed with Chief Bankruptcy

Judge Jim D. Pappas; bankruptcy practitioners Craig Christensen, Carolyn Justh, Joe Meier, Brent Robinson, and Larry Prince; and Bankruptcy Trustee L. D. Fitzgerald. Chief Judge of the Ninth Circuit Procter Hug, Jr., was the featured luncheon speaker.

Criminal Defense Seminar

The Annual Western All-Star Conference and Confabulation was held August 20-21, 1998, at the Grove Hotel in Boise. The Federal Defenders of Washington and Idaho in collaboration with the United States District Court, District of Idaho, presented the two-day conference for which attendees received thirteen CLE's.

Day one was dedicated to capital habeas representation. An update on present Idaho and Washington death penalty cases was presented by Andrew Parnes (Ketchum) and Robert Owen (Seattle). Other presenters and topics included Jill Miller (Madison, WI) presenting the development of evidence in mitigation, Russell Stetler (New York) discussed post-conviction investigation and issue development, Mark Olive (Tallahassee) reviewed recent rulings and current issues in habeas proceedings, and Denise Young (Tucson) provided information on successors under the new habeas laws. The attendees also attended a working lunch. One group meet with Tim Foley (San Francisco) and Tim Ford (Seattle) to discuss current issues in present capital proceedings. Another group attended a question and answer session with Jill Miller and Russell Stetler discussing trial and post-

conviction issues. The day concluded with a presentation by George "Mac" McCall Secrest, attorney for Karla Faye Tucker, who discussed clemency proceedings and the secrets to handling the media.

Day two focused on criminal defense practice. A hypothetical criminal case was posed by Idaho Federal Defender Dick Rubin. The presentations by the day's speakers addressed issues surrounding the hypothetical. Presenters included Robert Hirschhorn (Lewisville, TX) on voir dire and making every question count; Jodie English (Richmond, IN) on the importance of putting your best foot forward in the opening statement; Paul Taylor (Seattle) regarding how to create order out of chaos in paper cases; and Bert Nieslanik (Grand Junction, CO) with creative techniques for demonstrative evidence available to everyone on a shoestring budget. Dale Cobb (Charleston, SC) concluded the day leading a discussion on closing arguments. The second day also provided an opportunity for a working lunch in which attendees went to lunch in small discussion groups to strategize on the hypothetical case.

Continuing Education

In addition to the above referenced Annual District Conference, the court also presented a number of demonstration/training programs at the U.S. Courthouse, for which CLE credits were awarded to Idaho Bar members, including showcasing the new DOAR evidence presentation

system. Furthermore, Court Executive Cameron Burke and others gave court-related presentations at the Inns of Court, Bar meetings, and various other functions.

New Pocatello Courthouse Project

The new federal courthouse in Pocatello was completed in late March 1999. The new facility (shown on the front cover, official address 801 E. Sherman St.) is located between 7th and 8th Avenues and Sherman and Sublette Streets, on Pocatello's east side, near the City of Pocatello office complex. The handsome, two-story building reflects a traditional design with columns, brick facade, and a large atrium and contains approximately 30,000 occupiable square feet. Besides the court, the United States Marshals Service, U.S. Attorney, Federal Defender, and GSA will also maintain space in the building. The site will accommodate parking spaces for about 100 vehicles. This facility meets all the new, stringent safety and structural requirements for newly-constructed federal buildings and contains the newest innovations in courtroom technology. Digital photography

coupled with the internal website has allowed court staff to follow the final construction phases via a "virtual tour" of selected areas of the new courthouse.



The district courtroom in the new Pocatello Courthouse.

Video Conferencing Pilot Project

During 1998, the District of Idaho implemented a pilot project involving video conferencing. The system connects the Boise headquarters with the Pocatello and Coeur d'Alene divisional offices and allows various types of district and bankruptcy court proceedings to be conducted remotely. The system integrates with the evidence presentation system so documents can be shared over the call. This system is complete with its own monitors, or the video can be displayed on the new evidence presentation system and projector. This system has been used for official court proceedings

eleven times since its recent installation. It has proven especially cost-effective in Idaho, a relatively sparsely-populated district encompassing a vast geographic expanse where the distance between headquarters and divisional office locations ranges from 250 to 450 miles. Notwithstanding the obvious time savings and convenience factors, it is estimated that for each day this system is utilized, the court saves approximately \$1,000 in travel-related expenditures.

Evidence Presentation Project

The District of Idaho was involved in piloting an evidence presentation system by Doar Communications. This system, which has initially been installed only in Boise, allows documents to be displayed with much higher resolution than previously available, including two large 31" monitors for the jury and smaller 14" monitors for the judge, witness, and both counsel tables. The

witness stand and lectern have annotation tablets for focusing attention upon specific portions of the evidence. Additionally, the system provides connections for counsels' computers so anything they wish to display from a computer monitor, including scanned exhibits and other presentations, can be displayed in the courtroom at high resolutions. The system comes with a video printer

for making "snapshot" size prints of the annotated evidence and a VCR. This system will be fully integrated with existing projector and video conferencing equipment. It is anticipated that a

similar evidence presentation system will be installed in the new Pocatello courthouse upon its completion.

Document Imaging Project

During the previous year, the district and bankruptcy courts began electronically imaging a subset of the permanent, hard-copy case files in an effort to increase access to these documents and provide a more expedient and convenient option. Results of a Bar survey on the Document Imaging Project & Internet Services reflected that 82% of the respondents had, in fact, accessed the court's Internet website and 75% rated it as "easy" or "very easy" to use. Over 57% of the website users who responded regularly access electronically-imaged

documents at least twice a week. The vast majority felt that it was a more convenient, faster and/or more cost effective alternative than the in-person review or photocopying of permanent, hard copy case files. Furthermore, 75% of the users believe it has reduced the number of telephone inquiries to the court. Based on the above preliminary results, 74% expressed a willingness to participate in electronic filing if that option was implemented in the future.

Electronic Filing Pilot Program

The U.S. District and Bankruptcy Courts for the District of Idaho have been working with a broad based committee to develop procedures for the purpose of allowing electronic filing in the U.S. Courts in Idaho. The Board of Judges have approved a pilot project to test this new technology. Software enhancements are being tested and evaluated by court personnel, Wade Systems, and the Electronic Filing Committee. It is anticipated that electronic filing may begin in April 1999.

In order to participate in this project, customers will be required to have the following on their personal computers: (1) A web browser (i.e. Netscape Navigator, Netscape Communicator or Microsoft Internet Explorer); (2) Internet access through an Internet service provider; and (3) Adobe Acrobat, a software that allows you to create PDF files, which are the types of electronic documents accepted by the courts.

Electronic filing of court documents will allow customers to save their legal documents in a PDF format, submit the document over the Internet, and receive confirmation that the document has been filed in a matter of minutes.

In developing a procedural order for electronic filing, several issues are under consideration by the Electronic Filing Committee and Board of Judges including such things as the login and password constituting the signature required by the Federal Rules of Civil and Bankruptcy Procedure; immediate receipt of an electronic filing confirmation; electronic notification if the Clerk's Office rejects an electronically filed document (i.e. filed in wrong case); the ability of participants in the program to electronically serve documents on other parties; and the necessity that voluminous documents be filed by conventional means.

Interactive Forms

The District of Idaho is presently working with representatives from several of the large law firms in Boise in a joint effort to convert all of the

forms available on the court's website (www.id.uscourts.gov) to an "interactive" mode. This will allow the forms to be filled out "on-line"

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while in PDF format. The only necessary item from the ultimate user's standpoint is the most recent version of Adobe Acrobat Reader 3.01 plug-in,

which can be downloaded directly from the court's website.

Internet

In furtherance of its primary goal of excellence in customer service, over the past two years, the District of Idaho has made a concerted effort to provide an electronic version of virtually everything which previously was available only in hard copy. The use of the official website, located

at www.id.uscourts.gov, has escalated by "leaps and bounds." During calendar year 1998, there were 446,773 successful visits to our website, including a 16% increase in the number of user sessions.

Intranet

The Intranet website for the District of Idaho now includes an electronic version of virtually everything that previously existed only in "hard copy" format as well as handy reference links. The court-wide Intranet (internal website for the judiciary) provides instantaneous access to

information for our own staff as well as court employees across the nation. This is a very convenient method for districts to "share" resources such that everyone does not "re-invent the wheel" without at least knowing what exists elsewhere.

Visual Presenter for the Northern Division

During 1998, the District of Idaho purchased a Toshiba LCD Projector/Visual Presenter for use by attorneys during court hearings and trials held in the Northern Division (Moscow and Coeur d'Alene). In addition to a built-in, Elmo-like document camera, the visual presenter is also computer compatible via diskette,

laser disc, and VCR and features true SVGA or compressed XGA. This tool now provides northern counsel an opportunity to use presentation software such as ASAP and Power Point during opening or closing statements as well as to present physical documentary or audio-visual evidence.

Joint Efforts Between The State and Federal Judiciary

- **Court Interpreter Testing & Certification**

The U.S. Courts for the District of Idaho and the Idaho State Supreme Court have been working with the National Center for State Courts in a multi-state effort to share language skill tests for the certification of court interpreters. As a result of

this collaboration, Idaho conducted informational meetings, screening tests, and a Spanish certification exam at the federal courthouse.

- **Uniform Code of Professional Responsibility for Court Interpreters in Idaho**

Another example of the ongoing cooperative efforts between the state and federal judiciary in Idaho was reflected in the District of Idaho's adoption via general order of a Uniform

Code of Professional Responsibility for Court Interpreters in Idaho applicable to both the state and federal judiciaries in Idaho.

Selection of New Lawyer Representatives

The Board of Judges recently selected attorney Ron Bush, a partner in the Pocatello office of the Hawley, Troxell law firm, as the newest Lawyer Representative for the District of Idaho. He joins Candy Wagahoff Dale and Ted Creason in this capacity. Historically, lawyer representatives have been a valuable resource in assisting the court with various initiatives which improve the administration of justice. They encourage participation at the District Conference, survey membership relative to topics and issues, and

make recommendations to the court relative to curriculum. They have also been active members of various committees such as the Gender Fairness Committee, Long Range Planning Committee, Civil Justice Reform Act Advisory Committee, Criminal Advisory Committee, and Local Rules Committee. The lawyer representatives collectively welcome your input with respect to all matters relating to the federal courts within the District of Idaho.

Alternative Dispute Resolution

The District of Idaho provides two models of alternative dispute resolution (ADR)--arbitration and mediation. Another alternative available to litigants is the judicial settlement conference. However, according to the Alternative Dispute Resolution Act of 1998, recently passed by Congress, judicial settlement conferences are not referenced as an ADR model. In the District of Idaho, parties have experienced a settlement rate of approximately 63%, either just prior to, during, or just after mediation. Most parties have advised that referral to mediation inspires discussion that might never have taken place. The remaining 38% of the cases referred to mediation include those that have either failed to settle during mediation, been decided upon summary judgment, gone to trial, or

been dismissed upon stipulation for various reasons.

Le Parker Kelleher serves as a member of the Ninth Circuit Standing Committee on ADR Projects. The committee's goals include researching the ADR needs of all districts and providing information and reference materials to districts that wish to create or improve ADR programs. After the ADR Act of 1998 became law, the committee began the development of a model local rule that will incorporate all aspects of the act and provide guidance to the districts where necessary. Additional goals include training neutrals, attorneys, and judges in the processes of ADR.

Federal Court Corner

For the past three year, the Idaho State Bar has graciously offered space to the federal court in their monthly legal publication, *The Advocate*. The column, known as "Federal Court Corner," authored by Tom Murawski, appears on a bi-monthly basis. The articles have proven to be a

successful and cost-effective way to notify all Idaho Bar members of such things as changes in local or federal rules, court-sponsored training, new automation technology and innovations implemented by the court, upcoming federal court-related events, and newsworthy items.

Non-Appropriated Fund

The District of Idaho's Non-Appropriated Fund, which was created to "inure to the benefit of the Bar," has grown from \$4,961 in 1990 to a balance of \$ 54,461 at year-end 1998. The source of these funds is derived from a combination of a portion of federal bar attorney admission fees plus all proceeds from *pro hac vice* applications made

by out-of-state counsel. One of the major expenditures made from this fund during 1998 was a Toshiba Visual Presenter for use by attorneys conducting trials and court proceedings at the Northern Division offices in Moscow and Coeur d'Alene.

Magistrate Judge Opt-Out Case Assignment Process

This program was originally implemented in 1993 as an outgrowth of the Civil Justice Reform Act (CJRA) to help reduce cost and delay in civil litigation. Approximately 30% of the Southern Division civil cases are assigned to the magistrate judges under a random draw process. Litigants are given every opportunity to "opt-out" and request

reassignment to an Article III district judge and a written consent form is obtained from all party litigants. The success of this program can be measured by the fact that, in the 409 cases assigned to the magistrate judges since its inception, the retention rate has consistently remained about 90%.

Retirements

Several long-time employees of the District of Idaho chose to retire during 1998. These include Carol Lewsadder, secretary to Ninth Circuit Court of Appeals Judge Stephen S. Trott; Camille Ridenour, secretary first to District Judge Marion J.

Callister and later to District Judge B. Lynn Winmill; Terry McMorrow, Bankruptcy Court Financial Administrator; and Irene Rosen, bankruptcy noticing. They will be truly missed!

Length of Service Awards

During 1998, several court employees received commemorative pins recognizing their distinguished years of service. Those reaching their thirty-year anniversary included Jerry Parker and Camille Ridenour. Carol Vaughn celebrated twenty-five years. Leslie McCumber was honored for twenty years of service while Maria Richardson was recognized for fifteen years. A number of individuals celebrated ten years of service, including Kandie Clark, Joanne Cook, and Sherri

O'Larey. Linda Cornwell was recognized for five years.

Additionally, Chief Judge Lodge presented special "letters of appreciation" to those individuals who have served the court for twenty years or more. Those persons honored included Dana McWhood, Ladora Butler, Ron Haberman, Melanie Hopkins, Jeanie Loera, Cathy Carter, Rod Briggs, Carol Vaughn, Terry McMorrow, Cecelia Ashinhurst, Sharla Worthen, Leslie McCumber, Camille Ridenour, and Joann B. Canderan.

Leave Share Program

The Federal Employees Leave Sharing Act of 1988 covers federal employees who would be absent from duty at least eighty hours because of a medical condition or emergency and who would experience loss of income because of the

unavailability of accrued sick and annual leave. During 1997, the District of Idaho generously donated over one hundred hours of annual leave to deserving colleagues, both here and in other districts.

New Employees

1998 was probably one of the most active time periods in recent memory with respect to the hiring of new employees. Clyde Anderson came on-board as District Court Financial Administrator. Lori Flemming became law clerk to Chief Magistrate Judge Mikel H. Williams. Amy Hickox works afternoons in the intake area in addition to being a full time college student at Boise State University. Sandra Meador was hired as the new

records and file room clerk; Cathy Somsen and Tami Smith joined our team in the Pocatello divisional office; Terry Jarolimek is the new secretary to District Judge B. Lynn Winmill; and Toni Reilly is secretary to Ninth Circuit Court of Appeals Judge Stephen S. Trott. New Ninth Circuit law clerks included: Mindy Harm; Max Huffman; Dave Mortensen; Tim Smith; and Emily Brubaker.

Extern Program

For the past several years, the District of Idaho has promoted the use of unpaid externships, whereby law students and college students receive academic credits and/or valuable hands-on experience as well as an understanding of the entire legal process. The summer law clerks perform legal research, write and edit opinions, and assist with in-court responsibilities. The 1998 law students included Vicki Elkin, Laura Walker, Dustin

Bauer, Tim Davis, Paul Winward, and Monte Gray. The BSU students who assisted the court this past year included Dona Orr (Intake & Jury Administration) and Mike Evans (Human Resources). After graduation, Mike accepted employment with the Human Resources section of the Department of Justice in Washington, D.C.

Outside Audit

The District of Idaho recently received the preliminary results of a comprehensive "outside" audit conducted by Q Systems, Inc., a subcontractor of the accounting firm of Clifton Gunderson. Overall, the preliminary results can be

characterized as "very positive" with absolutely no material findings and only a few minor items noted together with some recommendations for improved business practices.

Achievement of 1998 Budget Goals

Since the implementation of decentralized budgeting, the District of Idaho has adopted budgetary policies and procedures which insure a very fiscally responsible, cost-effective and efficient methodology for meeting all financial needs.

During 1998, the District of Idaho was able to save approximately \$237,645 by electing not to fill 6.5 authorized positions, thereby funding a multitude of priorities, especially in the automation and technology area.

Adoption of Ninth Circuit Model EDR/EEO Plan

During 1998, the District of Idaho joined with the other districts in formally adopting the Ninth Circuit Model Employment Dispute Resolution (EDR) Plan and Equal Employment Opportunity (EEO) Plan, which became effective on January 1,

1999. Some of the more noteworthy changes include the appointment of a counselor plus extensive use of the mediation process.

FAS4T (Financial Accounting System for Tomorrow)

The District of Idaho will soon join 11 other courts as an early implementation district for the FAS4T project (Financial Accounting System for Tomorrow). FAS4T is a Windows-based, integrated, financial management system for all court units which links to the Central Accounting System at the Administrative Offices. The system is presently being tested in four courts or "beta test sites." District of Idaho Court Executive/Clerk of Court Cameron Burke has been extensively involved in coordinating the national training efforts, including the production of a training video. Budget Analyst Cecelia Ashinhurst was a member of the

selection process committee which researched, designed, analyzed, and recommended the vendor and software products. During 1998, the District of Idaho laid the necessary groundwork for implementation by examining and documenting all relevant budgetary and financial procedures. Previously, the District of Idaho's internal homepage served as the sole depository and conduit for all electronic information and updates available on the FAS4T project for other federal courts connected via the J-Net and DCN.

Community Service

Once again, 1998 was indicative of the generosity and community pride which has always been a trademark of the District of Idaho. The Combined Federal Campaign (CFC), enthusiastically coordinated by "loaned executive" Clyde Anderson, raised over \$6,800 in pledges plus an additional \$200 from a bake sale. In 1998, the two CFC showcased charities were the Humane Society and the Boise/Treasure Valley Chapter of the Alzheimer's Association. At Christmas time, the anonymous recipient

Christmas family had their collective wishes come true and then some! Despite the relatively small number of federal agencies in the building, the Red Cross Blood Drives proved to be successful during 1998 thanks to the outstanding coordinating efforts of Barbara Keck. Many court staff members continue to participate in the Big Brothers/Big Sisters program and their annual "Bowling for Kids" fund-raiser. The court routinely conducts educational tours for school classes to provide an insight into the judicial process. Le Kelleher, a

member of the Idaho Supreme Court's Child Custody Mediator Roster, has also donated her time as the non-attorney member of arbitration

panels who volunteer for the Idaho State Bar Fee Arbitration Program.

Community Outreach

During 1998, the court sponsored and conducted numerous community outreach programs including several tours for school groups. Mock-trial competitions of the popular "Goldilocks" case were hosted in which grade-school children played all the various roles in a real-life courtroom

drama, complete with rendering a verdict from a jury of their peers. Those who deserve special recognition in this regard are Cameron Burke, Suzi Butler, Sharla Worthen, Glenda Tipton, and Ron Haberman.

Court Sponsored Training

1998 was indeed a memorable year with respect to training and education in the courts in that it marked the advent of the FJTN (Federal Judicial Television Network) whereby the Federal Judicial Center (FJC) provides a series of professional, high quality training programs via satellite downlinks to every district in the country. The key word to describe this new concept is "flexibility." Court staff can now use their computers to click-on the upcoming monthly schedule of broadcasts which include detailed descriptions of

programs. They can either view the "live" and sometimes "interactive" training session using the "push-to-talk" technology or, alternatively, view a rebroadcast or video tape of the presentation, as their schedule permits. In addition, the District of Idaho also arranged for Holly Velando to provide expert insight and guidance on the FERS (Federal Employees Retirement Service) vs. CSRS (Civil Service Retirement Service) dilemma for those staff members who had to make the one-time election.

Education & Training Committee

The Education & Training Committee, a broad based group representing virtually all court units including divisional offices, chambers, and Probation/Pretrial, spent most of 1998 performing a comprehensive evaluation of all court-sponsored training and education. The Committee received expert facilitation and guidance from Barbara Anderson of the FJC. This process entailed adopting a mission statement; assigning specific

tasks to various subcommittees; formulating objectives and strategies; conducting surveys; targeting areas of need; and obtaining input, recommendations, and buy-in from the entire staff. This process culminated in the adoption of a final plan and the solicitation of outside expert consultation services to assist the court in implementing its Plan during 1999.

Long Range Strategic Planning Committee

During 1998, the Long Range Strategic Planning Committee, lead by Le Kelleher, embarked on the monumental task of updating and

revising the District of Idaho's Long Range Strategic Plan, originally adopted in March of 1994. A new set of goals, objectives, and implementation

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strategies is presently being formulated together with areas of primary responsibility and

corresponding impact upon monetary and/or human resources.

Independent Copy & Fax Service

Court Copy Services, Inc., the on-site, independent photocopy and fax service, housed directly adjacent to the court's records center, averaged 6,770 documents per month during 1998. This was a slight increase from the prior year (about 6,442 copies per month average), despite the availability of imaged documents in selected cases via the Internet. In addition to the conservation of precious court personnel resources

and the obvious convenience aspect, it is estimated that this service saved our customers over \$8,000 last year.

Furthermore, Court Copy Services exclusively handles all fax filing, which is an option that has been available to all litigants since 1995. During 1998, over 7,800 pages were filed with the district and bankruptcy courts via fax.

Death Penalty Cases

There currently are twenty-one persons on death row in the state of Idaho, twenty men and one woman. Of these, ten have capital habeas corpus petitions pending in the federal district court. One petitioner has two pending cases regarding two separate death sentences for a total of eleven pending cases in our court. Two new petitions for habeas corpus relief in capital cases were filed in 1998, George Porter originating from Lewis County and Robin Row originating from Ada County.

During 1998, five capital habeas proceedings were concluded, including two which were remanded to the Idaho state court for re-sentencing or retrial. The Donald Fetterly proceeding was in the U.S. Court on limited remand from the Ninth Circuit and was ordered to the state court for re-sentencing. The petition of Thomas Gibson was granted and the matter ordered to the state court for retrial. This decision has been appealed to the Ninth Circuit. The petitions of Timothy Dunlap and Maxwell Hoffman have been denied and dismissed.

In 1998, two appeals were filed with the Ninth Circuit Court of Appeals. One case concluded is still pending before the court on a Motion to Alter or Amend the Judgment dismissing the habeas petition. The Maxwell Hoffman case

filed an appeal immediately after the beginning of the year and will be considered a 1999 statistical filing. There are six pending appeals before the Ninth Circuit regarding death penalty habeas petitions from the Court of Idaho.

The U.S. Court held several hearings during 1998 in death penalty matters. Two cases had oral argument on pending motions. Two other cases held hearings regarding the merits of the petitions. There are three cases stayed pending exhaustion of their state court remedies in the state court and appeals courts: Zane Fields, Randy McKinney, and Lacey Sivak.

Currently, Chief Judge Lodge has six pending cases. Judge Winmill has four pending capital cases. United States Court Judge Wm. Fremming Nielson from the Eastern Court of Washington has been assisting our court with handling the remaining pending case.

Victoria Manning serves as Death Penalty Law Clerk to assist the judges with the capital cases. Suzi Butler continues as the Capital Case Coordinator assisting with procedural and case management matters.

Divisional Offices:

- **Pocatello**

1998 was indeed a busy year for the Pocatello team as they played an integral part in the planning and construction of the new courthouse, which it scheduled to open in late March 1999. Congratulations to Ronda Buck, who has been awarded American Business Women's Association (ABWA) New Dawn Chapter Woman of the Year. Ronda will represent her chapter of American Business Women's Association at the National Convention to be held in Kansas City in the fall of 1999. Cathy Somsem and Tami Smith joined the Pocatello team during calendar year 1998 providing some much needed assistance. A satellite dish and related equipment were installed in Pocatello this past year, thus allowing video conferencing capabilities, which will be used, not only for court hearings, but also training opportunities and participation in various committee and staff meetings. During 1998, Pocatello hosted eight naturalizations ceremonies in addition to conducting tours of the courthouse for several school groups.

- **Moscow**

In addition to their regular duties and responsibilities, the Moscow office annually provides facilities and support services to the University of Idaho College of Law for its new law student orientation program. During 1998, the Moscow divisional office also conducted a number of tours for elementary and high school students giving them a glimpse into the judicial process

including the jury function and courtroom proceedings.

- **Coeur d'Alene**

The Coeur d'Alene divisional office continues to hold all district and bankruptcy court matters, as well as administer bankruptcy proceedings and provide access to files and services to the bar and public. A northern Grand Jury was convened for the first time in Coeur d'Alene during 1998. The Coeur d'Alene office welcomed Traci Post as the new Assistant U.S. Attorney. The Coeur d'Alene facility continues to be used by visiting judges, periodic tax hearings, Industrial Commission matters, and depositions given by local attorneys. Two naturalization ceremonies were held in Coeur d'Alene during 1998 at which eighteen individuals became new citizens of the United States. Video conferencing is now available at the Coeur d'Alene Office for conducting remote court hearings, meetings, and training. Video conferencing has proven to be a very cost-effective alternative, allowing many initial appearances to be held without additional costs being incurred in transporting defendants and travel costs for judges and staff. The CDA courtroom was also the site of a "Goldilocks" mock trial conducted by Mrs. Marano's fourth grade class. Jerry Parker continues as Deputy in Charge of the Coeur d'Alene office, ably assisted by Sherri O'Larey. It is anticipated that the Coeur d'Alene divisional office will be the recipient of some much-needed additional space during the upcoming year.